

In the Drawings:

Please insert the attached figure as Figure 1. Attached is a new figure sheet labeled as New Figure Sheet 1.

REMARKS

The Applicants have filed the present Response in reply to the outstanding Official Action of March 28, 2005, and the Applicants believe the Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

At the onset, the Applicants would like to note that the specification has been amended. Applicants respectfully submit for the Examiner's approval of new Figure 1 for examination. Figure 1 includes both material that was already in the instant application at filing and material that was incorporated by reference. Specifically, Figure 1 illustrates an electrode 102, a spear processor 116, apical electrodes 122, EPROM 118, electrode 106, and basal electrode 122 that was originally disclosed in the application. New Figure 1 is similar to Figure 2 of United States Patent No. 4,532,930 which was incorporated by reference. Additionally, the specification has been amended to describe the structural features that are illustrated by new Figure 1. The added description to the specification is not new matter as the added material describes material that was incorporated by reference.

Additionally, Claim 1 has been cancelled and Claim 2 has been rewritten in independent form. Furthermore, Claim 2 has been amended to overcome the Examiner's objection and the § 112 rejection. Additionally, Claims 5-7, 12 and 13 have been amended to only depend from one claim. Claim 11 has been cancelled. Claim 9 has been amended to depend from Claim 2. Claims 7, 8, 10 and 13 have also been amended for clarification purposes only. Additionally, with respect to Claim 10, the phrase "the incoming speech signal will be processed to detect events that are better represented using a higher rate of stimulation," has been deleted.

Additionally, new Claim 14 has been presented for examination. Claim 14 depends from Claim 9, which depends from allowed Claim 2. No new matter has been added by the

aforementioned amendments to the specification, new Figure 1 or claim amendments.

In the outstanding Official Action, the Examiner rejected Claims 1, 9 and 10 under 35 U.S.C. § 102(b) as being anticipated by Loizou. The rejection has been obviated by the aforementioned amendments. Specifically, Claim 2 was rewritten in independent form. Since the Examiner indicated that Claims 2-5 would be allowable if rewritten, Applicants respectfully submit that all of the pending claims are patentable based upon the above amendments and the dependency from one or more of the allowed claims, including new Claim 14.

For all the foregoing reasons, the Applicants respectfully request the Examiner to withdraw the rejections of Claims 1, 9 and 10 pursuant to 35 U.S.C. § 102(b). Furthermore, the Applicants respectfully request the Examiner to withdraw objections and rejections under § 112 of the claims based upon the aforementioned amendments.

In conclusion, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicit the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicants respectfully request that the Examiner call the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,


Seth Weinfeld
Registration No. 50,929

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

SMW:ae